

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
National Association of State Utility	)	CG Docket No. 04-208
Consumer Advocates' Petition for	)	
Declaratory Ruling Regarding	)	
Truth-In-Billing and Billing Format	)	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Section 1.46 of the Commission's rules, 47 C.F.R. § 1.46, the National Association of State Utility Consumer Advocates ("NASUCA") hereby moves the Commission to enter an order extending the period for all interested parties to file reply comments in this proceeding, from 45 days after publication in the Federal Register of the Commission's May 25, 2004, Public Notice establishing a pleading docket, to 60 days after publication. This brief, 15-day extension of time will permit parties, including NASUCA, to file more complete responses to issues raised in initial comments filed with the Commission and will not prejudice any interested parties.

On March 30, 2004, NASUCA filed its petition with the Commission, seeking a declaratory ruling regarding carriers' monthly line item surcharges and fees in the Commission's Truth-in-Billing and Billing Format docket (CC Docket No. 98-170).

On May 25, 2004, the Commission issued a Public Notice (DA 04-1495) establishing a pleading cycle for interested parties to file comments regarding the issues raised in NASUCA's petition and docketing this proceeding in CG Docket No. 04-208. Pursuant to the Public Notice, interested parties are invited to file comments no later than

30 days after publication of the Public Notice in the Federal Register, and to file reply comments no later than 45 days after such publication.

NASUCA's 68-page petition raises important issues regarding a wide-range of monthly fees and surcharges imposed by numerous carriers, both wireline and wireless carriers. The issues addressed in NASUCA's petition involve fundamental public policy concerns affecting millions of consumers and the competitive goals of federal telecommunications laws, as well as Commission regulations implementing those laws. The Commission's decision on NASUCA's petition may have a substantial impact on carrier revenues, as well as carriers' billing and advertising practices, and the prices consumers pay for telecommunications service.

Carriers and other parties likely to file comments have had notice of NASUCA's petition since March 30, 2004: The petition has been posted on NASUCA's website since that time, has been available from the Commission's website since that time as well, and has received media coverage nationally and in the telecommunications trade press. In light of the important legal, economic and policy issues raised in NASUCA's petition, and the volume of comments that are likely to be filed in response to that petition, the 15-day period allowed for in the Public Notice is simply not adequate to permit NASUCA and others to provide the Commission with a full reply joining the issues. A brief, 15-day extension will greatly facilitate the development of a complete record for the Commission's review.

NASUCA is seeking an extension of the period for filing reply comments now, before initial comments are filed, in order to avoid expending time and effort on an extension request while it attempts to review and respond to comments during the 15

days currently allotted. The modest extension sought by NASUCA will not prejudice any party. As noted above, interested parties have had several months to review NASUCA's petition and to begin preparing their comments. Moreover, although it is Commission policy that extensions of time are not routinely granted,<sup>1</sup> it has granted extensions of time to file comments in similar circumstances – even where the request for an extension is filed before the deadline for filing initial comments.<sup>2</sup> The grant of additional time for reply comments, as requested by NASUCA, will likewise allow interested parties a meaningful opportunity to respond to issues raised in the comments and will assist the Commission in rendering a decision based on a complete record.

For all the foregoing reasons, NASUCA respectfully requests that the Commission grant its motion for an extension of the period for filing reply comments, from 45 days after publication in the Federal Register to 60 days.

Respectfully submitted,  
NATIONAL ASSOCIATION OF STATE  
UTILITY CONSUMER ADVOCATES

/s/ Original signed  
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Dated: June 11, 2004

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<sup>1</sup> See 47 C.F.R. § 1.46(a).

<sup>2</sup> See, e.g., *I/M/O Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Order, CC Docket No. 96-128, DA 04-774 (rel. March 24, 2004); *I/M/O BellSouth Telecommunications, Inc. Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to CLEC UNE Voice Customers*, Order, WC Docket No. 03-251, DA 03-4111 (rel. Dec. 30, 2003).

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of June, 2004, I caused true and correct copies of the foregoing *AMotion for Extension of Time*” to be served on all parties listed below by electronic filing.

Marlene H. Dortch, Secretary  
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/s/ Original signed  
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